

**ZB# 95-32**

**Joan Roberts**

**73-4-5**

Prelim.

June 26, 1995.

Letter out 11/15/95.

Need:

① Deed

② Title Report

③ Fees: 50.00  
300.00 pd.

④ Photos.

Final Notice to Sentin 11/3/95

Public Hearing:

Nov. 27, 1995.

# Revised  
4/27/95.

Granted  
Area Variance

Refund \$ 194.00

#95-32 - Roberts, Joan  
Area Variance 73-4-5.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15099

November 3, 1975

Received of John E. Roberts \$ 50.00

Fifty and 00/100 DOLLARS

For ZBA Application Fee (#95-32)

DISTRIBUTION:

FUND	CODE	AMOUNT
CRK. # 835		\$50.00

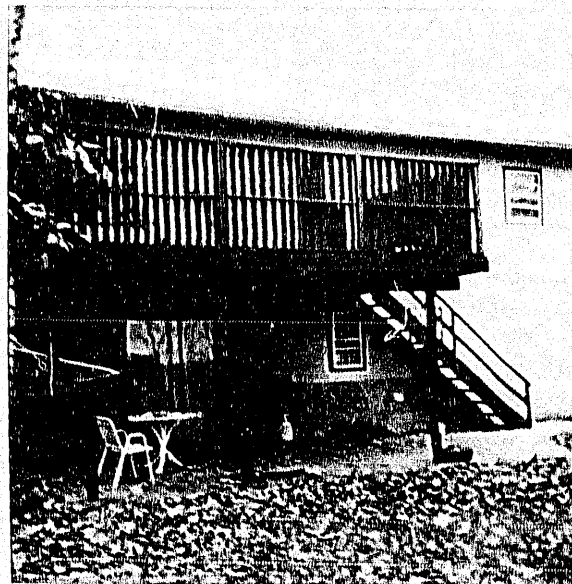
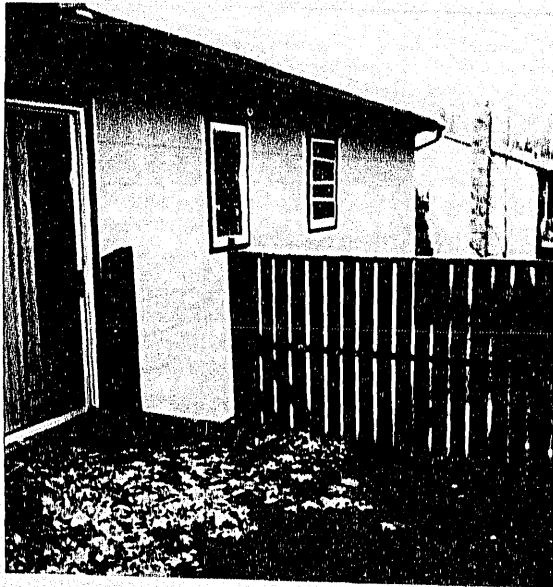
By

Dorothy M. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



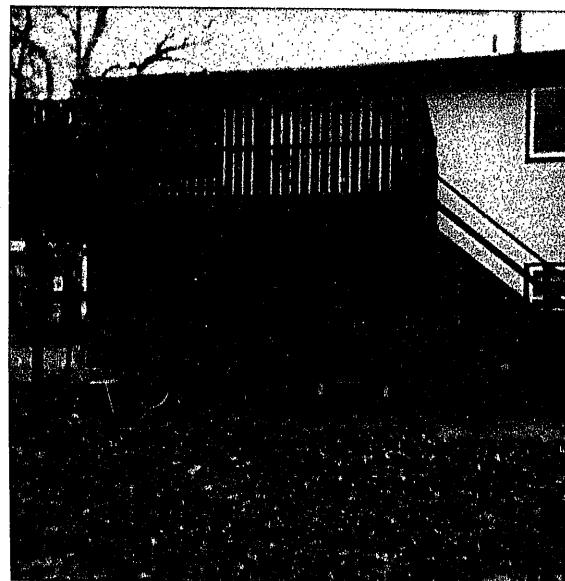
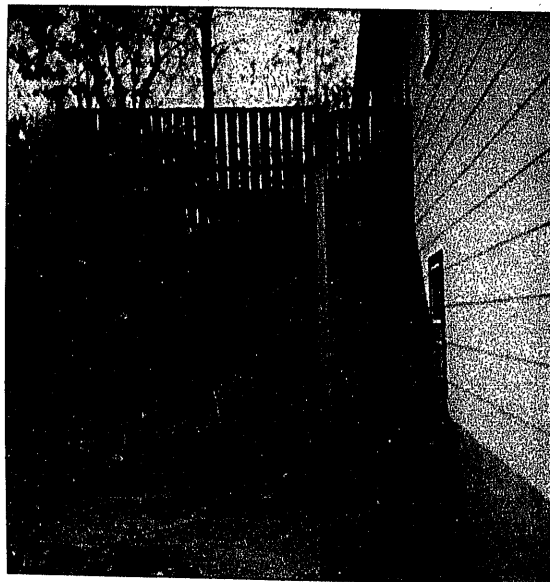
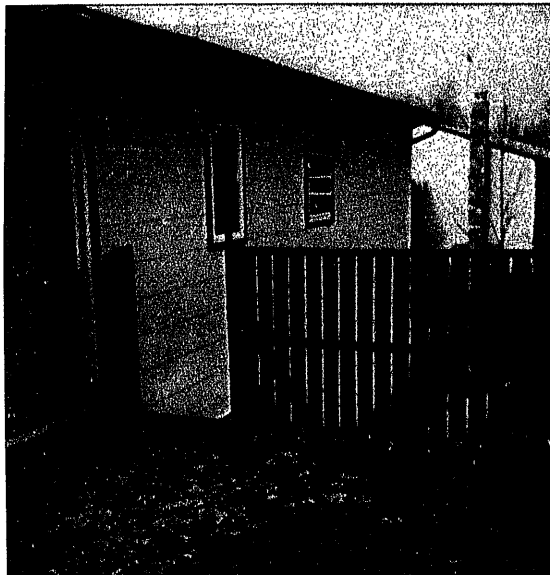
FUND	CODE	AMOUNT
CDK. # 835		\$50.00

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By Dorothy M. Hansen

Town Clerk

Title



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Roberts, Joan

FILE # 95-32

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES Area . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 6/26/95 - 4 pages \$ 18.00  
2ND PRELIM. MEETING - PER PAGE 11/27/95 - 4 pages \$ 18.00  
3RD PRELIM. MEETING - PER PAGE . . . . . \$  
PUBLIC HEARING - PER PAGE . . . . . \$  
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$  
TOTAL . . . . . \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 6/26/95 . . . . . \$ 35.00  
2ND PRELIM. . . . . 11/27/95 . . . . . \$ 35.00  
3RD PRELIM. . . . . \$  
PUBLIC HEARING . . . . . \$  
PUBLIC HEARING . . . . . \$  
TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_. . . . . \$  
TOTAL . . . . . \$ 106.00

LESS ESCROW DEPOSIT . . . . . \$  
(ADDL. CHARGES DUE) . . . . . \$ 300.00  
REFUND DUE TO APPLICANT . . . . . \$ 194.00

Refund.

(ZBA DISK#7-012192.FEE)

## Zoning Board of Appeals

JOAN E. ROBERTS  
452 PHILO ST.  
NEW WINDSOR, NY 12550

50-235 623 835  
219

11-2-95

PAID TO THE ORDER OF Joan of New Windsor \$ 50.00  
Fifty & 00/100 DOLLARS

THE BANK OF NEW YORK  
333 Windsor Highway  
New Windsor, NY 12553

MEMO #95-32-28A

*Joan E. Roberts*

⑆021902352⑆ ⑈6800656786⑈ 0835

JOAN E. ROBERTS  
452 PHILO ST.  
NEW WINDSOR, NY 12550

50-235 623 834  
219

11-2-95

PAID TO THE ORDER OF Joan of New Windsor \$ 300.00  
Three hundred & 00/100 DOLLARS

THE BANK OF NEW YORK  
333 Windsor Highway  
New Windsor, NY 12553

MEMO #95-32-28A

*Joan E. Roberts*

⑆021902352⑆ ⑈6800656786⑈ 0834

-----X  
In the Matter of the Application of

JOAN ROBERTS,

DECISION GRANTING  
AREA VARIANCE

#95-32.  
-----X

WHEREAS, JOAN ROBERTS, 452 Philo Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 3 ft. rear yard variance for existing deck located at the above address in a R-4 zone; and

WHEREAS, a public hearing was held on the 27th day of November, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) The deck for which the variance is sought has already been erected.

(c) The deck is similar to other decks in the neighborhood.

(d) The deck is necessary for safety as it is the only way to safely exit the second story of the house from the rear.

(e) The deck as it exists is apparently narrow and is sufficient in width only to provide the safe passage of two individuals.



(f) Most decks in the neighborhood are at least as big as this deck if not bigger. The deck does not project beyond the side of the house and is wholly contained within the rear yard.

(g) The deck has existed for at least ten years.

(h) The deck does not interfere with the running of any ground or surface water or sewer easements.

(i) The required rear yard space is 15 ft.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The variance requested is not substantial.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created because the applicant constructed the deck but it should be granted. The applicant believed that she was in conformity with the Town Code and to relocate the deck would cause a hazard to neighboring properties.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

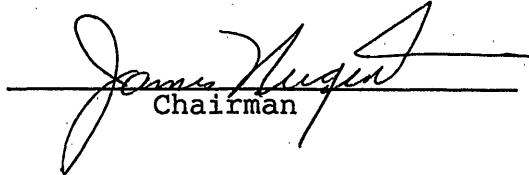
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 3 ft. rear yard variance to allow existing deck at the above address, in a R-4 zone, as sought by the

applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: February 5, 1996.

  
Chairman

(ZBA DISK#13-012696.JR)

Date 12/4/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr. DR.  
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
11/27/95		Zoning Board Meeting	75 00	
		Misc. - 1		
		HRAC - 6		
		Rosenbaum - 6		
		Taromanides - 3		
		Roberts - 4 18.00.		
		Dori Associates - 9		
		Olson - 10		
		Schlesinger - 3		
		Johnson - 3		
		<u>45 pp</u>	<u>202 50</u>	
			277 50	

PUBLIC HEARING:

ROBERTS, JOAN

MR. NUGENT: Request for <sup>3</sup>~~1.4~~2 ft. rear yard variance for existing deck at 452 Philo Street in an R-4 zone.

Mr. and Mrs. Roberts appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience besides the applicant who's here to talk about this?

MR. KANE: Nobody cares.

MR. TORLEY: Nobody objects.

MR. NUGENT: Let the record show that there is no one in the audience.

MS. BARHNART: And I sent out 70 addressed envelopes in conjunction with this on November 15 as part of the record. Out of 70, you didn't get anybody, John?

MRS. ROBERTS: You keep saying one and a half feet but it's actually two feet eight inches but it says that I have to have a 40 foot, that is why I have to do all this because I need a 40 foot rear yard but all my titles say 30 feet, that is what is on my title report is 30 feet.

MR. KRIEGER: Why the title report says 30 feet is, this board has no control over that but the Town Law says 40 and no title company is entitled to by itself change the legal requirements of the town.

MR. ROBERTS: When we were here for the Preliminary Hearing, we measured with a tape measure kind of roughly came up with a little more than a foot and a half, I did some figuring based on the survey here tonight and the amount of the deck and probably it would be two feet eight inches probably closer to.

MR. KRIEGER: What does the published notice say?

MS. BARNHART: We don't put numbers in the public notice, we just put insufficient side yard, it covers everything.

MR. ROBERTS: Actually, the application says one foot.

MR. KRIEGER: The application should reflect the actual request. They can go ahead as long as it does that.

MR. NUGENT: Application says one foot half inch.

MR. BABCOCK: We changed that last time. It was supposed to be one foot, one and one half foot.

MS. BARNHART: Wasn't changed on ours.

MR. KRIEGER: Now it turns out it's supposed to be 2'8".

MR. NUGENT: You're sure of that?

MRS. ROBERTS: Yes.

MS. BARNHART: Can we do that?

MR. KRIEGER: Yes, you can do that.

MS. BARNHART: Mike, do you want to change and initial it?

MR. BABCOCK: Three foot.

MR. ROBERTS: We bought pictures of the existing deck, the existing deck is the only way to exit the second story of the house from the rear.

MR. KRIEGER: And the back door is above the ground level?

MR. ROBERTS: Yes, above the ground level.

MR. KRIEGER: Without that, you'd take a big fall?

MR. ROBERTS: Yes.

MR. TORLEY: Clearly the deck is important for safety?

MR. ROBERTS: Yes.

MR. KANE: Other homes in the area have existing rear decks?

MR. ROBERTS: Yes.

MR. KRIEGER: Or at least many of them do.

MR. ROBERTS: Yes. We were married on Saturday and we put off our honeymoon to be here tonight.

MR. KRIEGER: Is that some sort of attempt to improperly influence the board?

MR. ROBERTS: Not at all.

MR. LANGANKE: Worked with me.

MR. KANE: Cutting off a foot and a half off your deck is not a viable option?

MR. ROBERTS: No, not at all.

MR. KRIEGER: From the picture looks like a fairly narrow deck as it is.

MR. ROBERTS: Twelve, I believe.

MR. KRIEGER: The other decks that you mentioned in the area are at least that big if not bigger?

MR. ROBERTS: If not bigger.

MR. KRIEGER: How much side yard is required there, Mike?

MR. BABCOCK: Fifteen feet, it's an R-4 zone.

MR. ROBERTS: We have more than enough side yard cause the deck does not hang out from the side of the house, it's right even.

MR. KRIEGER: How long has the deck been existing there?

MRS. ROBERTS: A good ten years.

MR. KRIEGER: Ten plus?

MRS. ROBERTS: Yes.

MR. KRIEGER: It doesn't interfere with the running of any ground or surface water?

MR. ROBERTS: No.

MR. KRIEGER: Not over the top of any sewer easements?

MR. ROBERTS: No.

MR. KRIEGER: Doesn't interfere with any, when it was there, before it was there, any vegetation?

MR. ROBERTS: No.

MR. NUGENT: Any further questions?

MR. REIS: I make a motion that we grant Mrs. Joan Roberts her requested variance for three foot rear yard variance on 452 Philo Street.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

Prelim.

June 26, 1995.

#95-32.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 1, 1995

APPLICANT: DENNIS AND JOAN ROBERTS  
452 PHILO STREET  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MAY 25, 1995

FOR (BUILDING PERMIT):EXISTING DECK

LOCATED AT: 452 PHILO STREET

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 4, LOT: 5

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. DOES NOT MEET REQUIRED 40FT. REAR YARD SETBACK.

  
BUILDING INSPECTOR



# REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: R4 USE BULK TABLES

MIN. LOT AREA

MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD

REQ'D TOTAL SIDE YD

REQ'D REAR YD. 40FT.

REVISED

11-27-95

(MB)

37 FT

3 FT

~~88FT. 1/2 IN.~~

~~1FT. 1/2 IN.~~

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

RECEIVED MAY 23 1995

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises

Dennis & Joan Roberts

Address

452 Philo Street

Phone

(914) 562-1102

(201) 496-7400

Name of Architect

Address

Phone

Name of Contractor

Steve Lucas

Address 16 Newcastle Drive Phone 491-1258  
State whether applicant is owner, lessee, agent, architect, engineer or builder builder OWNER  
If applicant is a corporation, signature of duly authorized officer.

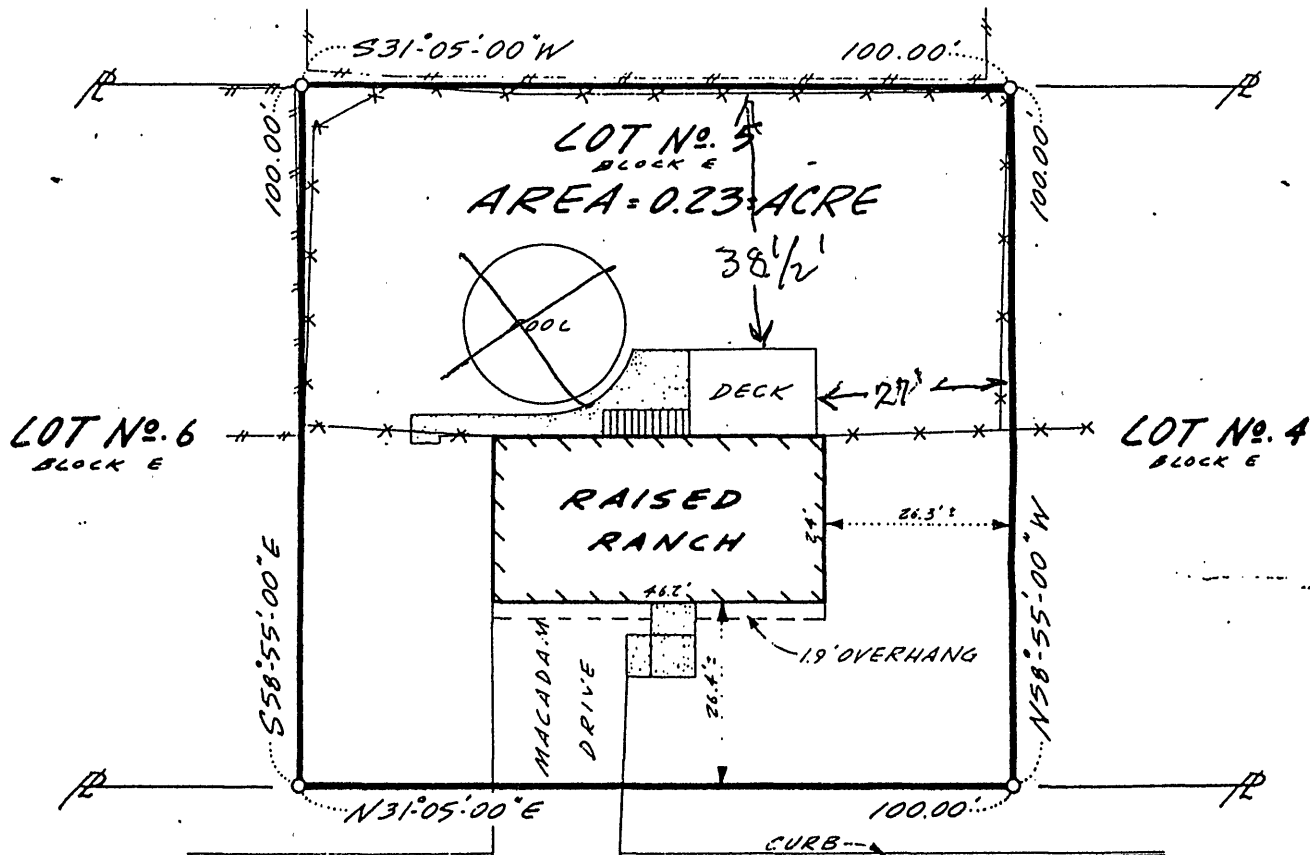
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of PHILO ST  
and 500 feet from the intersection of Simm ST  
(N.S.E. or W.)
2. Zone or use district in which premises are situated RESIDENTIAL Is property a flood zone? Yes No ☒
3. Tax Map description of property: Section 73 Block 4 Lot 5
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy ADD DECIL
5. Nature of work (check which applicable): New Building Other Addition Existing Alteration Repair ☒  
Removal Demolition X Dec
6. Size of lot: Front Rear 100' Depth 100' Front Yard 26' Rear Yard 50' Side Yard 26' 5"  
Is this a corner lot? No
7. Dimensions of entire new construction: Front          Rear          Depth          Height          Number of stories
8. If dwelling, number of dwelling units          Number of dwelling units on each floor           
Number of bedrooms          Baths          Toilets           
Heating Plant: Gas          Oil          Electric/Hot Air          Hot Water           
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
10. Estimated cost          Fee           
(to be paid on this application)
11. School District NEWBURGH

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Needs Varance 36' APx TO Rear Property Line

LOT No. 10  
BLOCK E



PHILO STREET

# LEGEND:

— x — x — CHAIN LINK FENCE

— + — + — STOCKADE FENCE

— — — CONCRETE

## MAP OF SURVEY OF LOT NO. 5-BLOCK E, ON A MAP ENTITLED "WOODWIND"\*

TOWN OF NEW WINDSOR

ORANGE COUNTY, N. Y.

NO TO-SCALE: 1" = 20'

1" = 26'

JULY 9, 1987

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE  
WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE  
NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC

\*

### CERTIFIED TO:

FILED MAP NO. 2869

MIDLANTIC HOME MORTGAGE CORP.

FILED SEPTEMBER 26, 1972

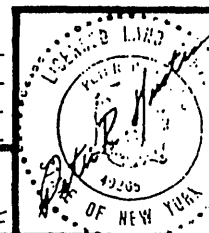
AMERICAN TITLE INSURANCE COMPANY

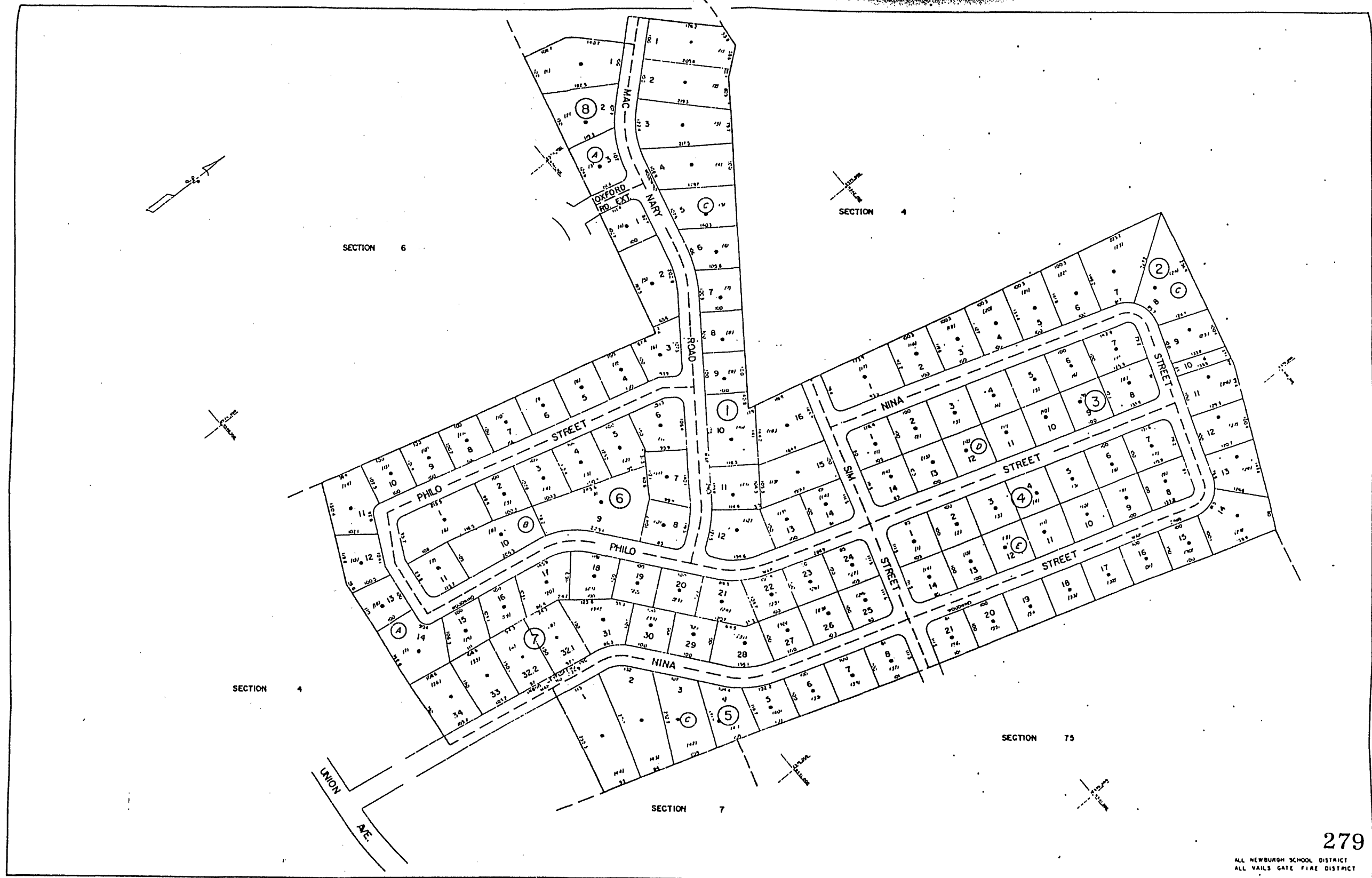
DENNIS JOHN ROBERTS & JOAN E. ROBERTS

JOB NO. 78:129 B

**PETER R. HUSTIS, L.L.S.**

33 HENRY STREET, BEACON, NEW YORK • P.O. BOX 3311, NEWBURGH, NEW YORK





279

ALL NEWBURGH SCHOOL DISTRICT  
ALL VAILS GATE FIRE DISTRICT

Prepared by  
ORANGE CO. TAX MAP DEPT.  
MAIN ST., GOSHEN, N. Y. 10924  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE COUNTY LINE	FILED PLAN LOT LINE	TAX MAP PARCEL NO.	FILED PLAN BIGH. NO.
LOT	CASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
LOT	WATER LINE	AREA	STATE HIGHWAYS
LOT	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
LOT			TOWN ROADS

ORANGE COUNTY-NEW YORK

Phone No. 8-339,341 Date of Map 10-24-72  
Date of Photo 3-1-65 Date of Revision 3-1-91  
Scale 1" = 100'

TOWN OF NEW WINDSOR

Section No. 73

R4

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 95-320

Date:

4/2/95

I. ✓ Applicant Information:

- (a) Joan E. Roberts, 452 Philo St, New Windsor, NY (Owner)  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_  
(d) \_\_\_\_\_

II. Application type:

- ☐ Use Variance ☐ Sign Variance  
☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) R-4 452 Philo St, New Windsor 73-4-5 .23  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? \_\_\_\_\_  
(c) Is a pending sale or lease subject to ZBA approval of this application? yes  
(d) When was property purchased by present owner? 1975  
(e) Has property been subdivided previously? NO  
(f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 18-12, Table of Use/Bulk Regs., Col. B.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>38 1/2" 37'</u>	<u>1 1/2" 3'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



✓ whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

*It would be pretty hazard to have a glass sliding door off balconies*

(You may attach additional paperwork if more space is needed)

#### VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

#### VII. Interpretation: *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### ✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.  
 ✓ Copy of tax map showing adjacent properties.  
 N/A Copy of contract of sale, lease or franchise agreement.  
 ✓ Copy of deed and title policy.  
 ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.  
 N/A Copy(ies) of sign(s) with dimensions and location.  
 Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.  
 ✓ Photographs of existing premises from several angles.

Date: Nov. 2, 1995.

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x James L. Roberts  
(Applicant)

2nd day of November, 1995.

Patricia C. Bankart

**PATRICIA A. BARNHART**  
**Notary Public, State of New York**  
**No. 01BA4904434**  
**Qualified in Orange County**  
**Commission Expires August 31, 1997.**

(a) Public Hearing date:

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions:

*existing & it allows the same. The deck has been*

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Joan Roberts

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#95-32.  
-----X

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On NOV. 15, 1995, I compared the 70 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
15<sup>th</sup> day of November, 1995.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1997

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately. Send bill to: Applicant Roberts at below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 32

Request of Joan Roberts

for a VARIANCE of the Zoning Local Law to permit:

existing deck w/ insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk  
Reqs. - Col. G

for property situated as follows:

452 Philo Street, New Windsor, NY

known as tax lot Section 73 Block 4 Lot 5.

SAID HEARING will take place on the 27th day of November,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

70

August 10, 1995

John Roberts  
452 Philo St.  
New Windsor NY 12553

Re: Tax map Parcel # 73-4-5

Dear Mr. Roberts;

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

*Leslie Cook*

LESLIE COOK  
Sole Assessor

/ev  
Attachment  
cc: Pat Barnhart

JOHN A & KATHERINE SUO  
364 NINA ST  
NEW WINDSOR NY 12553

JAN & ANGELINA ROSTEK  
362 NINA ST  
NEW WINDSOR NY 12553

THOMAS F & MARGRET M ORGAN  
360 NINA ST  
NEW WINDSOR NY 12553

CAROL PROBST & JEREMIAH WHITAKER  
C/O DEPT. OF HOUSING & URBAN DEV.  
CASE #374-072653-203 ATTN: SINGLE FAM. LOAN MGT.  
26 FEDERAL PLAZA  
NEW YORK NY 10278

THOMAS J JR & KATHLEEN GRIFFEN  
356 NINA ST  
NEW WINDSOR NY 12553

CARMINE & FRANCES LEPORA  
354 NINA ST  
NEW WINDSOR NY 12553

ROBERT & MARGARET MULLINS  
131 WILLOW AVE  
CORNWALL NY 12518

THOMAS & ELSA APP  
350 NINA ST  
NEW WINDSOR NY 12553

JOHN & KATHERINE MCCROSSEN  
348 NINA ST  
NEW WINDSOR NY 12553

ISIDORO & ROSARIA MACCHIARELLA  
346 NINA ST  
NEW WINDSOR NY 12553

BARBARA ROMERO & JOSEPH WOOD  
344 NINA ST  
NEW WINDSOR NY 12553

JAMES & JEANNE STILLER  
342 NINA ST  
NEW WINDSOR NY 12553

GAIL LEHMAN  
340 NINA ST  
NEW WINDSOR NY 12553

MARY & WILLIAM KOSTENBLATT  
338 NINA ST  
NEW WINDSOR NY 12553

BRENDAN & SUSAN DE MILT  
336 NINA ST  
NEW WINDSOR NY 12553 X

MARILYN WALLACE  
334 NINA ST  
NEW WINDSOR NY 12553 X

ELLIOT & VICKI COHEN  
332 NINA ST  
NEW WINDSOR NY 12553 X

FRANCIS & GERALDINE NICOLosi  
330 NINA ST  
NEW WINDSOR NY 12553 X

SAMUEL & ESTHER TEPPER  
328 NINA ST  
NEW WINDSOR NY 12553 X

ALLEN & STEPHANIE MITTELMAN  
326 NINA ST  
NEW WINDSOR NY 12553 X

RAY & ELIZABETH SMITH  
357 NINA ST  
NEW WINDSOR NY 12553 X

MYRON & PHYLLIS BERNSTEIN  
355 NINA ST  
NEW WINDSOR NY 12553 X

EDWARD STADLER & KATHY NOLL  
353 NINA ST  
NEW WINDSOR NY 12553 X

ROBIN GORDON  
351 NINA ST  
NEW WINDSOR NY 12553 X

JOSEPH & DOROTHY CABASIN  
349 NINA ST  
NEW WINDSOR NY 12553 X

FRED & ANNETTE KAISER  
347 NINA ST  
NEW WINDSOR NY 12553 X

PATRICK MURTAGH & LISA IZZO  
345 NINA ST  
NEW WINDSOR NY 12553 X

PETER & IRENE MALASZUK  
343 NINA ST  
NEW WINDSOR NY 12553 X



JOSEPH & PATRICIA GRIMM  
BOX 2866  
NEWBURGH NY 12550

ALFRED & MAUREEN CESTAR  
435 PHILO ST  
NEW WINDSOR NY 12553

JOSEPH & ELIZABETH COMO  
433 PHILO ST  
NEW WINDSOR NY 12553

DANIEL & MARGARET LIEBGOLD  
225 Y ST  
NEW WINDSOR NY 12553

JOHN & MARY GUARRACINO  
429 PHILO ST  
NEW WINDSOR NY 12553

THOMAS & JOANNE SCOTT  
22-30 79 ST  
JACKSON HEIGHTS NY 11570

BOB & ROSEMARY HERSH  
444 PHILO ST  
NEW WINDSOR NY 12553

THOMAS & KATHLEEN FINNERAN  
446 PHILO ST  
NE WINDSOR NY 12553

BERTRAM & BEVERLY SHERMAN  
448 PHILO ST  
NEW WINDSOR NY 12553

HELGA IRIZARRY  
450 PHILO ST  
NEW WINDSOR NY 12553

NINA ADLER  
454 PHILO ST  
NEW WINDSOR NY 12553

IAN & FILOMENA SOUSA  
456 PHILO ST  
NEW WINDSOR NY 12553

DONALD & DIANA MCKEON  
339 NINA ST  
NEW WINDSOR NY 12553

JOSEPH & LISA WALDEN  
130 MEADOW AVE  
NEWBURGH NY 12550

COUNTY OF ORANGE  
255-275 MAIN ST  
GOSHEN NY 10924

ROBERT & XIOMARA D'AGOSTINO  
335 NINA ST  
NEW WINDSOR NY 12553

VILLI ENDERS  
333 NINA ST  
NEW WINDSOR NY 12553

RICHARD & BOGARDUS BREAKIRON, ANNEKE-JANS  
331 NINA ST  
NEW WINDSOR NY 12553

WILLIAM & BRANDEE MURPHY  
329 NINA ST  
NEW WINDSOR NY 12553

JOHN & CATHERINE CANALE  
327 NINA ST  
NEW WINDSOR NY 12553

JAMES & HELENE LENNON  
375 BYRON LANE  
NEW WINDSOR NY 12553

RICHARD & KIM PIELLI  
354 SHELLY RD  
NEW WINDSOR NY 12553

ARNOLD & DIANE SLIFSTEIN  
94 KEATS DR.  
NEW WINDSOR NY 12553

MICHAEL & KATHLEEN BRODY  
84 KEATS DR  
NEW WINDSOR NY 12553

MICHAEL & JANE LAURIA  
86 KEATS DR  
NEW WINDSOR NY 12553

ANTHONY & BEVERLY MARCHESANI  
88 KEATS DR  
NEW WINDSOR NY 12553

GERALD & EVA-MARIE WOLFE  
C/O SERPA LENNA  
SYCAMORE GARDENS, APT 39  
RT 94  
NEW WINDSOR NY 12553

WARREN SCHAEFER & MARION KNOX  
95 KEATS DR  
NEW WINDSOR NY 12553

VICTOR & ROSE D'ESPOSITO  
93 KEATS DR  
NEW WINDSOR NY 12553

BEN & IRENE ENG  
91 KEATS DR  
NEW WINDSOR NY 12553

STEPHEN & DONNA GRIECO  
89 KEATS DR  
NEW WINDSOR NY 12553

KONSTANTINOS & MARGARITA IOANNIDIS  
87 KEATS DR  
NEW WINDSOR NY 12553

DAVID & MIGDALIA RAMOS  
85 KEATS DR  
NEW WINDSOR NY 12553

LEO & SANDRA TALBOT  
83 KEATS DR  
NEW WINDSOR NY 12553

MICHAEL SULLA & KATHLEEN HEALY  
380 FROST LANE  
NEW WINDSOR NY 12553

OTTO SCHEIBLE  
439 LITTLE BRITAIN RD  
NEW WINDSOR NY 12553

Date 6/28/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
6/1/95		Dining Board Meeting	75.00	
		Misc. - 3		
		Dayton - 5		
		Dubetsky - 8		
		Roberts - 4 18.00		
		McB - 7		
		Brown - 4		
		JaroscaK - 4		
		Rhodes - 14		
		Trifilo - 3		
		Franca - 10		
		Brisman - 5	337.50	
		ELTS - 8	412.50	
		75 pp.		

**ROBERTS, JOAN**

MR. BABCOCK: Before we start with this next one, I'd just like to make a change in the numbers, it should be, it reads one foot one half inch, it's supposed to be one and one half foot, so it's one foot six inches.

MR. NUGENT: Request for 1 ft. 6 in. rear yard variance for existing deck located at 452 Philo Street in an R-4 zone.

Ms. Joan Roberts appeared before the board for this proposal.

MS. ROBERTS: I have an existing deck and they said that it is supposed to be so many feet back.

MR. NUGENT: There's nothing you can do to change it?

MS. ROBERTS: No.

MR. REIS: How long has it been there?

MS. ROBERTS: Since the 80's.

MR. TORLEY: I see there is a pool.

MS. ROBERTS: It's not there anymore.

MR. TORLEY: That eliminates one problem.

MS. ROBERTS: Right.

MR. LANGANKE: Measures all places a foot and a half or how come we're so close but yet so far on this? You only need a variance for foot and a half.

MS. ROBERTS: I didn't realize how far I had to be in.

MR. LANGANKE: How big is the deck?

MS. ROBERTS: 14 feet from the house, 17 wide.

MR. TORLEY: Looks like you have got a structure on the deck around the pool that was there.

MS. ROBERTS: No.

MR. TORLEY: Reason for that is you're going to sell the property?

MS. ROBERTS: Yes.

MR. TORLEY: Perhaps you might want to change your variance request to include whatever the pool might require because whoever you're selling it to.

MS. ROBERTS: I have no pool.

MR. TORLEY: I know.

MR. NUGENT: It's up to the next person. Don't worry about it.

MR. TORLEY: Then they are going to have to come in and do the same thing.

MR. NUGENT: Why should she worry about it?

MR. KRIEGER: Do you have a contract?

MS. ROBERTS: It's on the market. I don't have a contract yet.

MR. NUGENT: Unfortunately.

MR. TORLEY: The reason I'm suggesting it if you made the appropriate requests and they were granted for the pool back there, that would save the next person like 300 bucks.

MR. KRIEGER: It may increase the, I'm not a real estate expert, but it may increase the value of the or the salability of your house by telling someone if they want to put in a pool of that approximate dimensions it would then be authorized.

MR. KANE: How high is the fence around your property?

MS. ROBERTS: Four feet.

MR. NUGENT: That is not high enough.

MR. KANE: That is another stipulation, it's five foot in New Windsor so even right there it's another can of worms.

MR. TORLEY: Let them or worry about it.

MR. KRIEGER: This is the only means of access to the back door of the house?

MS. ROBERTS: Well, we have a back door downstairs.

MR. KRIEGER: Upstairs.

MS. ROBERTS: Upstairs, yes.

MR. KRIEGER: So a person leaving the upstairs of the house if it weren't for the deck, they'd go out the sliding door and fall on the ground?

MS. ROBERTS: Right.

MR. TORLEY: Removing the deck is a clear safety hazard then?

MS. ROBERTS: Yes.

MR. KANE: No further questions.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I move we set up Mrs. Roberts for requested variance.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: First of all, I don't know if you heard what I said to the prior applicant, by law, certain criteria have to be considered by state law. Those are the list of the criteria. If you would address yourself to those when you appear at the public hearing, it would be helpful. In addition, you have either your deed or title policy not with you but--

MS. ROBERTS: Yes.

MR. KRIEGER: If you could bring those along with you to the public hearing so that I can look at them, there's no need for me to keep them but I need to look at them.

MS. ROBERTS: Sure.

MR. KRIEGER: Lastly, you're likely to be asked among other things at the public hearing whether there are other similar decks to this in the neighborhood. You don't have to bring any particular proof but I certainly would be prepared if I were you to verbally answer that question.

MR. ROBERTS: Okay, thank you.

MR. TORLEY: Other thing I might recommend as you'll see from the notice you're going to be mailing out letters to all your neighbors stating you are requesting variances of a string of numbers. Talk to your neighbors so they'll understand what's going on.